

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION (PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

Date of mailing: 12 April 2001 (12.04.01)	
International application No.: PCT/US00/27332	Applicant's or agent's file reference: CM2414/JB
International filing date: 04 October 2000 (04.10.00)	Priority date: 05 October 1999 (05.10.99)
Applicant: MCGOFF, Matthew, Grady et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:
05 February 2001 (05.02.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer: J. Zahra Telephone No.: (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 00/27332

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C08J9/30 C08J9/28 C09D5/00 C11D3/37

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C08J C09D C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 21 26 161 A (LIO FAT & OIL CO.) 9 December 1971 (1971-12-09) claims ---	1,2,4,5, 7,11-14
X	DATABASE WPI Section Ch, Derwent Publications Ltd., London, GB; Class A13, AN 1973-05056U XP002156171 & JP 48 001500 B (NIPPON SYNTHETIC CHEM IND CO) abstract ---	1,2,4,7, 8,14
A	US 5 543 439 A (MCDERMOTT KEITH J ET AL) 6 August 1996 (1996-08-06) claims --- -/--	1-14

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

21 December 2000

Date of mailing of the international search report

09/01/2001

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Oudot, R

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/27332

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 2126161	A	09-12-1971	JP 50011401 B	01-05-1975
JP 48001500	B		NONE	
US 5543439	A	06-08-1996	AU 679651 B	03-07-1997
			AU 4025795 A	05-09-1996
			DE 69512020 D	14-10-1999
			EP 0728804 A	28-08-1996
			ES 2136255 T	16-11-1999
			GB 2290300 A, B	20-12-1995
			NL 1001434 C	05-02-1998
			NL 1001434 A	28-08-1996
			NZ 280593 A	26-07-1996
US 5458884	A	17-10-1995	CA 2105887 A	11-03-1994
			EP 0643963 A	22-03-1995
			NO 933239 A	04-05-1994
			NZ 299162 A	27-05-1998
			US 5650192 A	22-07-1997
			US 5891458 A	06-04-1999
			ZA 9306711 A	10-03-1995
JP 06093124	A	05-04-1994	NONE	

INTERNATIONAL SEARCH REPORT

International Application No

US 00/27332

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>US 5 458 884 A (BRITTON PETER ET AL) 17 October 1995 (1995-10-17) column 7, line 2-5 example 1 column 5, line 60 -column 6, line 3 claims</p> <p>----</p>	1-14
A	<p>PATENT ABSTRACTS OF JAPAN vol. 018, no. 361 (C-1222), 7 July 1994 (1994-07-07) & JP 06 093124 A (TOPPAN PRINTING CO LTD), 5 April 1994 (1994-04-05) abstract</p> <p>-----</p>	1-14

PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CM2414/JB	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 00/ 27332	International filing date (<i>day/month/year</i>) 04/10/2000	(Earliest) Priority Date (<i>day/month/year</i>) 05/10/1999
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

WATER UNSTABLE FOAM

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/27332

The document (D1) which is considered to represent the closest prior art is JP-B-48001500.

D1 discloses a foam component produced from polystyrene resin, polyvinylalcohol resin, a plasticizer, a foaming agent, and a solvent.

The remaining feature of claim 1, that the foam is stable in air but unstable in water, is not explicitly disclosed in D1. However, this feature attempts to define the invention by the result to be achieved. Unless the Applicant can demonstrate that this feature is not present in the prior art compositions disclosed in D1, which otherwise fulfil the structural requirements of claim 1, it will not serve to establish novelty.

Thus, the subject-matter of claim 1 is not novel.

The question of inventive step will only arise if the applicant is able to provide novel claims.

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM2414/JB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/27332	International filing date (day/month/year) 04/10/2000	Priority date (day/month/year) 05/10/1999
International Patent Classification (IPC) or national classification and IPC C08J9/30		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05/02/2001	Date of completion of this report 03.12.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Heslop, P Telephone No. +49 89 2399 8676 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/27332

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, pages:

1-35 as originally filed

Claims, No.:

1-14 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/27332

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2-14
	No:	Claims	1
Inventive step (IS)	Yes:	Claims	
	No:	Claims	2-14
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

2. Citations and explanations
see separate sheet